

**Remarks:**

This application has been reviewed carefully in view of the Office Action mailed May 15, 2006 ("the Office Action"). In the Office Action, claims 1-3, 7-9 and 14-15 were rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by McKay, U.S. Patent No. 6,434,808. Applicants note with appreciation that claims 4-6 and 10-13 were objected to, but found to be allowable if rewritten in independent form, including all of the limitations of the base claims and any intervening claims.

The above-described objections and rejections are addressed as follows:

**I. REJECTION OF CLAIMS 1-3, 7-9 AND 14-15**

As noted above, claims 1-3, 7-9 and 14-15 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by McKay. Claim 1 has been amended to incorporate a portion of claim 2. In relevant part, amended claim 1 now recites:

a piston having a **piston inner guide surface conformingly receiving the piston rod**, the piston being configured to translate along the piston rod, and the piston being further configured for a second swaging engagement member; and

The patent to McKay neither teaches nor discloses a swaging tool with a piston having a piston inner guide surface conformingly receiving the piston rod, and being configured to translate along the piston rod. Rather, McKay FIGS. 1 and 4, disclose a connecting member 70 (with jaw engaging surface 42) with an inner surface that does not conformingly receive a small protuberance 22 for centering a spring.

Independent claim 15, likewise recites similar language, namely "a piston having a piston inner guide surface defining a through-hole, the inner guide surface conformingly receiving and in sliding engagement with the piston rod," thereby also distinguishing claim 15 over the cited patent to McKay.

Because the cited art fails to disclose a swaging tool with a piston having a piston inner guide surface conformingly receiving the piston rod as now recited in claim 1, the Office Action now fails to establish a *prima facie* case of anticipation. As noted above, claim 15 already recites related limitations, and the Office Action fails to establish a *prima*

*facie* case of anticipation of claim 15. Claim 7 recites a swaging method using the swaging tool of claim 1, and claims 8, 9 and 14 recite a swaging system using the swaging tool of claim 1, and thus, claims 7-9 and 14 incorporate all the limitations of claim 1. Accordingly, the rejection of claims 1-3, 7-9 and 14-15, and hence the objection to claims 4-6 and 10-13 which depend from claims 1-2 and 8-9 respectively, under 35 U.S.C. § 102(b), are now improper, and Applicants respectfully request they be withdrawn.

## II. CONCLUSION

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

PALEJWALA et al.

By: 

John A. Griecci

Registration No. 39,694

For: The Law Office of John A. Griecci

703 Pier Avenue, Suite B #657  
Hermosa Beach, CA 90254  
(310) 376-6527